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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,903	07/01/1999	FREDERIC P. MESSINGER	CIS-1212	1807

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[REDACTED] EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2174	10

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/345,903	MESSINGER ET AL.	
	Examiner	Art Unit	
	Mylinh T Tran	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment filed 12/31/02.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Amendment filed 12/31/02 has been entered and carefully considered. Claims 1 and 12 have been amended. Claims 23-34 have been added. However, limitations of new amended claims have not been bound to be patentable over prior art of record, therefore, claims 1-234 are rejected under the same ground of rejection as set forth in the Office Action mailed (10/01/02).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-234 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al.[US. 6,211,874] in view of Johnson et al. [US. 4,648,062]. As to claims 1, 12, 23 and 24, Himmel et al. discloses a graphical user interface window through which a plurality of tasks are accomplished, said window having a plurality of selectable graphical areas (column 3, lines 33-39 and column 8, lines 23-36), a list of task indications coupled to said window, each task having an associated task indication (figure 5D, column 3, lines 51-64 and column 8, lines 45-55). The difference between Himmel et al. and the claim is a graphical overlay coupled to the window and positioned over the window to display; for each task indication, a sequence of instructions directing attention to respective selectable graphical areas and a selector coupled to said window to

allow the end user to select tasks and to interact with selectable graphical areas, wherein after being used to select a task, the selector enables the end user to interact with at least one selectable graphical area associated with the selected task in response to at least one instruction displayed in the graphical overlay in a manner directing the end user's attention to a respective selectable graphical area; the graphical overlay displaying a next instruction in the sequence of instruction in response to the end user's interaction with the selectable graphical areas in the window to assist the end user in learning the sequence associated with the selected task through actively interfacing with said window to provide the software training and technical support. Johnson et al. shows a graphical overlay coupled to said window and positioned on top of said window. Johnson et al. cites "The method displays the selected panel as an overlay on the existing screen at the time the Command Help request is entered into the system (see abstract) and "The position of the Help Panel overlay or window on the screen where command(s) are being entered (see column 5, lines 47-57 and column 4, line 60 through column 5, line 6); for each task indication, a sequence of instructions directing attention to respective selectable graphical areas (Figure 2, column 5, lines 15-29 and column 6, lines 32-43) and a selector coupled to said window to allow the end user to select tasks and selectable graphical areas and after being used to select a task, the selector enables the end user to interact with at least one selectable graphical areas associated with the selected task in response to the sequence of

instructions, the end user in learning the sequence associated with a task through actively interfacing with said window (column 5, line 52 through column 6, line 6).

While Johnson teaches the selectable graphical area and the graphical overlay provides a next instruction in the sequence of instruction (figure 2, column 5, lines 15-29), Himmel shows the end user's interaction with the selectable graphical areas in the window (figure 5D, (118), column 12-36) and providing the software training and technical support (column 2, lines 30-38). It would have been obvious to one of ordinary skill in the art, having the teachings of Himmel et al. and Johnson et al. before them at the time the invention was made to modify the graphical user interface window taught by Himmel et al. to include the graphical overlay coupled to the window of Johnson et al., in order to provide a display of Help information to the operator in three different levels which are selectable by the operator, as taught by Johnson et al.

As to claims 2, 13 and 25, Himmel et al. shows the list of task indications dynamically changes as a function of the selectable graphical areas being displayed in said graphical user interface window (column 6, lines 35-53).

As to claims 3, 14 and 26, Himmel et al. also shows the list of task indications is capable of being positioned apart from said graphical user interface window with which it is coupled (figure 5D, column 8, lines 37-55).

As to claims 4, 15 and 27, Himmel et al. demonstrates the tasks displayed in said list of task indications is a function of a mode setting, wherein a mode

setting contains at least one setting including a beginner, an intermediate, and an advanced mode setting (column 7, lines 46-65 and column 8, lines 1-9).

As to claims 5, 16 and 28, Himmel et al. teaches the computer controls a system

wherein the tasks displayed in said list of task indications are user-privilege specific (column 7, lines 18-36 and column 8, lines 45-55).

As to claims 6, 17 and 29, Himmel et al. discloses the system is a data communication network (column 5, lines 50-67).

As to claims 7, 18 and 30, Johnson et al. also discloses the list of task indications are

replaced by a list of task step indications, and wherein each task step is coupled to a respective sequence instruction, wherein each associated task step indication is highlighted in sequence with a respective instruction being displayed (column 5, lines 30-46).

As to claims 8, 19 and 31, Johnson et al. teaches the graphical overlay is invisible other than the instruction being displayed (column 5, lines 47-57 and column 6, lines 1-6).

As to claims 9, 20 and 32, Johnson et al. also teaches the instruction being displayed includes an information box including at least one of: recommended input, required input, example input, subsequence list, and a description of what to expect next (column 2, lines 14-34 and column 6, lines 1-6).

As to claims 10, 21 and 33, Johnson et al. demonstrates the recorded voice files or a text-to-speech synthesizer coupled to the sequence of instructions, wherein the instruction being displayed is simultaneously presented audibly (column 1, lines 1-30).

As to claims 11, 22 and 34, Johnson et al. also demonstrates the selection of one or more selectable graphical areas in a sequence before selecting a task automatically highlights a list of possible tasks being performed (column 5, lines 30-46).

Response to Arguments

Applicant has argued that Himmel et al. does not show “the software training and technical support”. However, the Examiner does not agree because the help system of Himmel instructs the user how to use the functions of software and the features describing in the application is called software. Also, its system shows training implementing tool and therefore, the help pertains to software.

Applicant has also argued that Johnson et al. does not provide “software training and technical support” that assists “the end user in learning the sequence”. However, the argument is not persuasive because once the users get to online help, they already know help information and remember all sequences of instructions. So, they have to remember the list of instructions and learn the sequence from the list.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications

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where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Kristine Kincaid

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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Mylinh Tran

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